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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,373	02/07/2002	Tomohiro Ando	219272US2	7453
22850	7590	10/07/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			HASHEM, LISA	
		ART UNIT		PAPER NUMBER
		2645		

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/067,373	ANDO, TOMOHIRO
	Examiner	Art Unit
	Lisa Hashem	2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 7-21-2005.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-14 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-14 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**FINAL DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 11 recites the limitation "the user". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Application EP 0742676 by Dzuban (prior art submitted by Applicant) in view of European Patent Application EP 0966136 by Rysgaard et al, hereinafter Rysgaard.

Regarding claim 1, Dzuban discloses a language selecting method of selecting a language in which information is transmitted from a service providing apparatus to a mobile station (Fig. 1, MS) in a mobile communication system (Fig. 1, VPLMN) that includes the mobile station and the service providing apparatus (Fig. 1, VMSC) for providing services to the mobile station, which method comprises the steps of:

adding, by a MS, language selection information for selecting a language which information is to be received (Fig. 1, CD) to a transmission request signal (Fig. 1, USSD3 including IS; page 2, line 30 - page 3, line 16; page 12, lines 11-14);

transmitting, from the mobile station to the service providing apparatus, the request signal including the language selection information for selecting a language in which information is to be received (Fig. 1, USSD3) each time whenever the mobile station starts communication (page 6, lines 27-31; page 7, line 27 – page 8, line 9) (wherein the MS is in a foreign mobile communication network, VPLMN, and each time (e.g. a time when a previous incomprehensible message is received by the MS) whenever (e.g. at any time) the MS starts communication (e.g. the MS initiates a request to the service providing apparatus for a comprehensible message)); receiving, at the service providing apparatus, the language selection information supplied from the mobile station; and transmitting, from the service providing apparatus to the mobile station, information in the language corresponding to the language selection information (page 7, line 27 – page 8, line 20; page 12, lines 7-21).

Dzuban does not disclose a method comprising a control unit.

Rysgaard discloses a mobile communication system (as shown in Fig. 1) comprising a mobile station or mobile phone (Fig. 1, 1) and a service providing apparatus (Fig. 1, 50) for providing services to the mobile station, wherein the mobile station comprises: a control unit (Fig. 1, 70) for adding, to a transmitted request signal, language selection information for selecting a language in which information is to be received (page 3, column 4, section 0017, lines 45-55).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Dzuban to include a control unit as taught by Rysgaard. One of ordinary skill in the art would have been lead to make such a modification since a control unit can be used to select a language in which information is transmitted.

Regarding claim 2, the language selecting method as claimed in claim 1 mentioned above, wherein Dzuban further discloses the steps of receiving, at the mobile station, a notification of which language is selected by a user (page 7, line 27 - page 8, line 9); and transmitting, from the mobile station to the service providing apparatus, language selection information corresponding to the language selected by the user (page 8, lines 9-20).

Regarding claim 3, the language selecting method as claimed in claim 1 mentioned above, wherein Dzuban further discloses the step of: when a language in which user information is inherently stored beforehand in the mobile station is selected by a user (page 7, line 27 - page 8, line 9; page 12, lines 7-17; Fig. 1, USSD3 (IS,CD)), transmitting language selection information corresponding to the language selected by the user, from the mobile station to the service providing apparatus (page 8, lines 9-20).

Regarding claim 4, the language selecting method as claimed in claim 1 mentioned above, please see the rejection to the method in claim 3 to reject the method in claim 4.

Regarding claim 5, the language selecting method as claimed in claim 1 mentioned above, wherein Dzuban further discloses the steps of: determining, at the service providing apparatus, whether the information in the language corresponding to the language selection information is transmittable; and when the information is transmittable, transmitting the information in the language corresponding to the language selection information, from the service providing apparatus to the mobile station (page 8, lines 9-20).

Regarding claim 6, Dzuban discloses a mobile communication system (Fig. 1, VPLMN) comprising a mobile station (Fig. 1, MS) and a service providing apparatus (Fig. 1, VMSC) for providing services to the mobile station, wherein the mobile station inherently comprises: a

control unit for adding, to a transmitted request signal (Fig. 1, USSD3 including IS; page 2, line 30 - page 3, line 16; page 12, lines 11-14), language selection information for selecting a language in which information is to be received (Fig. 1, CD; page 12, lines 11-14); a language information transmission unit (or transmission/receiving unit) for transmitting, each time whenever starting communication (wherein the MS is in a foreign mobile communication network, VPLMN, and each time (e.g. a time when a previous incomprehensible message is received by the MS) whenever (e.g. at any time) the MS starts communication (e.g. the MS initiates a request to the service providing apparatus for a comprehensible message)), the request signal including the language selection information for selecting a language in which information is to be received (wherein a mobile station would inherently include a control unit and transmission/receiving unit as known in the art), to the service providing apparatus, and the service providing apparatus comprising a language information receiving unit or VLR for receiving the language selection information from the mobile station (page 4, lines 27-29), and an information transmitting unit or CTV for transmitting information in the language corresponding to the received language selection information, to the mobile station (page 4, line 29 – page 5, line 1; page 5, lines 27-31; page 7, line 27 – page 8, line 20).

Dzuban does not explicitly disclose the mobile station comprising a control unit and a language information transmission unit.

Rysgaard discloses a mobile communication system (as shown in Fig. 1) comprising a mobile station or mobile phone (Fig. 1, 1) and a service providing apparatus (Fig. 1, 50) for providing services to the mobile station, wherein the mobile station comprises: a control unit (Fig. 1, 70) for adding, to a transmitted request signal, language selection information for

selecting a language in which information is to be received (page 3, column 4, section 0017, lines 45-55); a language information transmission unit or memory unit (Fig. 1, 10) and first transmission/receiver unit (Fig. 1, 65) for inherently transmitting, when starting communication, e.g. initiating a call via a data cable (page 3, column 3, section 0013, lines 26-49; page 3, column 4, section 0018, line 56 – page 4, column 5, section 0018, line 2; page 4, column 5, section 0018, lines 4-7; page 4, column 6, section 0023, lines 35-46), the request signal including the language selection information for selecting a language in which information is to be received, to the service providing apparatus (page 3, column 4, section 0017, lines 48-55), and the service providing apparatus comprising a language information receiving unit or second transmission/receiving unit (Fig. 1, 85) and processor (Fig. 1, 95) for inherently receiving the language selection information from the mobile station (page 4, column 6, section 0021, lines 16-24), and an information transmitting unit or second transmission/receiving unit (Fig. 1, 85) and processor (Fig. 1, 95) for transmitting information in the language corresponding to the received language selection information, to the mobile station (page 4, column 6, section 0023, lines 35-46).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the mobile station of Dzuban to include a control unit and a language information transmission unit as taught by Rysgaard. One of ordinary skill in the art would have been lead to make such a modification since the mobile station includes a control unit and language information transmission unit to select a language in which information is transmitted.

Regarding claim 7, the mobile communication system as claimed in claim 6 mentioned above, wherein Rysgaard further discloses the mobile station comprises a language selection

receiving unit or control unit (Fig. 1, 70) and first transmission/receiver unit (Fig. 1, 65) for receiving a notification of which language is selected by a user (page 3, column 4, section 0015, lines 9-11; page 3, column 4, section 0017, lines 44-55), and the language information transmitting unit transmits language selection information corresponding to the language selected by the user to the service providing apparatus (Fig. 1, CD; page 3, column 4, section 0017, lines 48-55). (See also the rejection to claim 2 above by Dzuban).

Regarding claim 8, the mobile communication system as claimed in claim 6 mentioned above, wherein Rysgaard further discloses when a language in which user information stored beforehand in the mobile station is selected, the language information transmitting unit transmits language selection information corresponding to the selected language to the service providing apparatus (page 4, column 6 section 0023, lines 35-46). (See also the rejection to claim 3 above by Dzuban).

Regarding claim 9, the mobile communication system as claimed in claim 6 mentioned above, wherein Rysgaard further discloses the language information transmitting unit transmits language selection information stored in advance (page 3, column 4, section 0018, line 56 – page 4, column 5, section 0018, line 2) to the service providing apparatus (page 4, column 5, section 0020, lines 45-49). (See also the rejection to claim 4 above by Dzuban).

Regarding claim 10, the mobile communication system as claimed in claim 6 mentioned above, wherein Rysgaard further discloses the service providing system further comprises a transmission determining unit for determining whether the information in the language corresponding to the language selection information is transmittable (page 4, column 6, section 0022, lines 25-34), and the information transmitting unit transmits the information in the

language corresponding to the language selection information to the mobile station, when the information is determined to be transmittable by the transmission determining unit (page 4, column 5, section 0020, lines 45-49). (See also the rejection to claim 5 above by Dzuban).

Regarding claim 11, please see the rejection to claim 6 above to reject the mobile station in claim 11.

Regarding claim 12, the mobile station as claimed in claim 11 mentioned above, wherein Rysgaard further discloses a language storage unit or fixed memory area (Fig. 2, 15) for storing a plurality of language in which user information is made (page 3, column 3, section 0013, lines 26-31); and a language information storage unit or memory location (Fig. 2, 30, 31, or, 32) for storing the language selected by the user (page 3, column 3, section 0013, lines 45-49); whereby transmitting a language selection information corresponding to the language stored in the language information unit in advance (page 3, column 4, section 0015, lines 10-11).

Regarding claim 13, please see the rejection to claim 6 above to reject the service providing apparatus in claim 13.

Regarding claim 14, the service providing apparatus as claimed in claim 13 mentioned above, wherein Rysgaard inherently discloses a transmission determining unit for determining whether the information in the language corresponding to the language select information is transmittable; whereby transmitting the information in the language corresponding to the language select information to the mobile station, when the information is determined to be transmittable by the transmission determining unit (page 4, column 6, section 0022, lines 25-34). (See also the rejection to claim 5 above by Dzuban).

***Response to Arguments***

5. In regards to Applicant's arguments in the Amendment filed on 7-21-2005, Applicant argues that Dzuban fails to teach or suggest '...the language selection information not provided in the *transmission request signal*, but the language selection information is not transmitted *each time whenever the mobile station starts communication...*'. Examiner disagrees.

Dzuban clearly discloses language selection information that is represented by a numerical code (Fig. 1, CD) in a transmission request signal (Fig. 1, USSD3 including IS), and the language selection information is transmitted each time (e.g. each time the user receives an incomprehensible message) whenever the mobile station starts communication (e.g. the MS initiates a request to receive a comprehensible message from a service provider). In Figure 1, the communication is clearly being initiated or started from the MS to the VPLMN (Fig. 1, USSD3) (page 2, line 30 - page 3, line 16; page 4, lines 24-27; page 7, line 27 – page 8, line 20).

In conclusion, the Dzuban clearly discloses the above limitations. Please see all rejections above.

6. Applicant's arguments filed 7-21-2005 have been fully considered but they are not persuasive.

7. Accordingly, this action is **FINAL**.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent Application Publication No. US 2001/0009854 by Kaibel et al teach a language selection method in a mobile telecommunication network; the subscriber selects a language that services can be provided in

9. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(571) 273-8300 (for formal communications intended for entry)

**Or call:**

(571) 272-2600 (for customer service assistance)

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

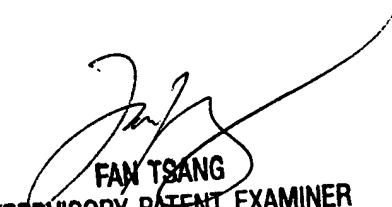
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

Art Unit: 2645

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH  
lh

September 23, 2005



FAN TSANG  
SUPERVISORY PATENT EXAMINER  
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